



**To the Honorable Council  
City of Norfolk, Virginia**

March 25, 2014

From: John M. Keifer, Director of Public Works

**Subject:** Encroach into the 200 block of Ligon Street right-of-way with five (5) existing concrete traffic barriers.

Reviewed: Ronald H. Williams, Jr., Assistant City Manager

**Ward/Superward:** 7/7

Approved:

Marcus D. Jones, City Manager

**Item Number:**

**R-1**

- I. **Recommendation:** Adopt Ordinance
- II. **Applicant:** General Dynamic – Nassco - Norfolk  
200 Ligon Street  
Norfolk, Virginia 23523
- III. **Description**  
This agenda item is an encroachment permitting Metro Machine Corporation T/A General Dynamic – Nassco - Norfolk to encroach into the 200 block of Ligon Street right-of-way with five (5) existing concrete traffic barriers.
- IV. **Analysis**  
An encroachment is an object or structure that infringes into the City of Norfolk's right-of-way or property. Norfolk City Code, Section 42-10, requires all encroachments into the right-of-way to be approved by City Council. The encroachment in this location will allow Metro Machine Corporation T/A General Dynamic – Nassco – Norfolk to keep and maintain five (5) existing concrete traffic barriers in place for the security of the business.
- V. **Financial Impact**  
Liability insurance has been provided naming the City of Norfolk as additional insured in the amount of \$1,000,000; therefore, there should be no financial risk to the City. The City of Norfolk did not charge a fee for this encroachment.
- VI. **Environmental**  
There is no negative environmental impact associated with this action.

**VII. Community Outreach/Notification**

Public notification for this agenda item was conducted through the City of Norfolk's agenda notification process.

**VIII. Board/Commission Action**

The Department of Public Works and the City Attorney's Office have reviewed this request for encroachment and offer no objections. Review and approval by the Norfolk Design Review Committee and the City Planning Commission is not required.

**IX. Coordination/Outreach**

This letter has been coordinated with Department of Public Works and the City Attorney's Office.

Supporting Material from the Department of Public Works:

- Ordinance
- Exhibit A

mr1/17/14

Form and Correctness Approved

By   
Office of the City Attorney



Contents Approved:

By   
DEPT.

NORFOLK, VIRGINIA

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## ORDINANCE No.

AN ORDINANCE PERMITTING METRO MACHINE CORPORATION T/A GENERAL DYNAMIC - NASSCO - NORFOLK TO ENCROACH INTO THE 200 BLOCK OF LIGON STREET RIGHT-OF-WAY WITH FIVE (5) EXISTING CONCRETE TRAFFIC BARRIERS.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That permission is hereby granted to Metro Machine Corporation t/a General Dynamic - Nassco - Norfolk ("Owner") to encroach into the 200 block of Ligon Street right-of-way with five (5) existing concrete traffic barriers, as shown on Exhibit A attached hereto, such permission being further subject to the following conditions:

- (1) That this permission is expressly subject to the right of revocation by the Council and that in the event of such revocation Owner, or its successors and assigns, shall immediately remove the encroaching structures.
- (2) That upon the removal of the encroaching structures or any part thereof the authority hereby granted shall cease and terminate.
- (3) That Owner, or its successors and assigns, at its own cost and expense, shall take out and keep in full force and effect public liability insurance in some company authorized to do business in the Commonwealth of Virginia, insuring it and naming the City of Norfolk as an additional insured in the minimum amounts of \$1,000,000.00 per person/per injury/per occurrence, \$500,00.00 property damage/per occurrence, and aggregate \$2,000,000.00 per occurrence against liability from any and all claims, actions and suits that may be asserted or brought against the City of Norfolk and/or Owner, and its successors and assigns, for any injury to or death of any person

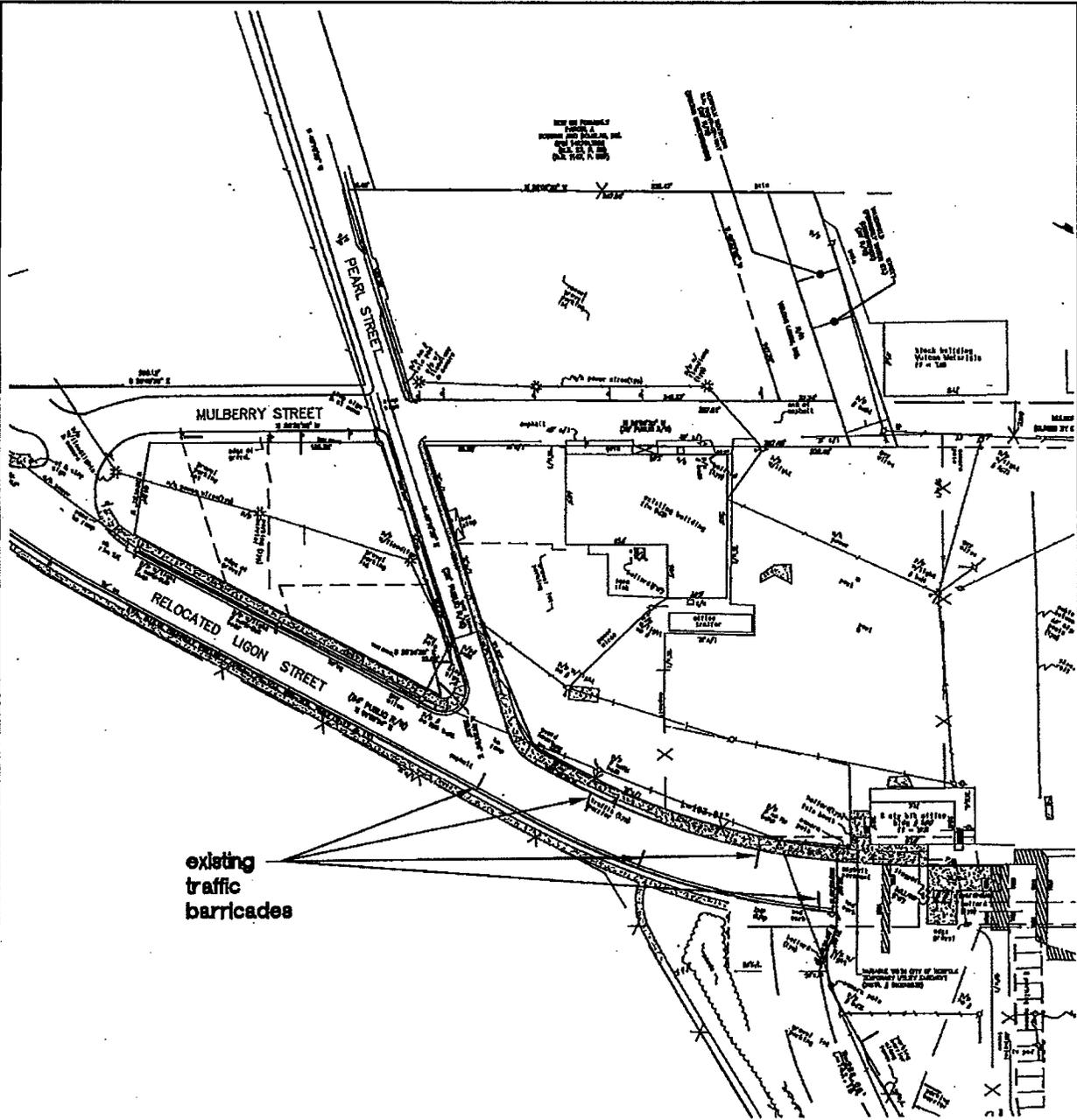
or persons or for any damage to or destruction of property resulting from the installation, maintenance, or existence of said encroaching structures; that evidence of such insurance shall be filed with the Director of Risk Management of the City of Norfolk.

- (4) That the City of Norfolk shall not be responsible for any damage to the encroaching structures, including replacement and reinstallation costs, resulting from the City's operation, maintenance, repair, or replacement of any utilities located in the right-of-way of Ligon Street.
- (5) That Owner will install a W1-5 warning sign posted 150' in advance of the first barrier on black on yellow background.
- (6) That Owner will place reflective markings on the barriers on black on yellow background. The markings should point in the direction of the deflection of traffic flow around the barriers.

Section 2:- That the failure of Owner, or its successors and assigns, to fully comply with all contingencies set forth herein shall operate as an automatic revocation of the permission granted hereby.

Section 3:- That the use of the said encroaching structures shall be deemed an acceptance by Owner, and its successors and assigns, of all conditions to which the permission herein granted is subject.

Section 4:- That this ordinance shall be in effect from and after its adoption.



existing  
traffic  
barricades

EXHIBIT "A" SHOWING  
RIGHT OF WAY ENCROACHMENT  
FOR

**METRO MACHINE CORPORATION**  
NORFOLK, VIRGINIA

SCALE: 1" = 100'      DECEMBER 10, 2013

**NDI ENGINEERING COMPANY**  
**BASGIER AND ASSOCIATES DIVISION**  
ENGINEERS-SURVEYORS-PLANNERS

572 CENTRAL DRIVE, SUITE 103, VIRGINIA BEACH, VA 23454  
PHONE: (757) 431-2177 FAX: (757) 431-2175